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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-21

13 **NEAL CHRISTOPHER JACKSON**

14 7419 W. Willow Avenue  
Peoria, AZ 85381

**A C C U S A T I O N**

15 Registered Nurse License No. 645113

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about September 17, 2004, the Board issued Registered Nurse  
24 License Number 645113 to Neal Christopher Jackson ("Respondent"). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on July 31, 2008, unless renewed.

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BOARD OF REGISTERED NURSING

JUL 23 2008

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BOARD OF REGISTERED NURSING

JUL 23 2000

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Criminal Conviction)

3 7. Respondent's registered nurse license is subject to discipline under Code  
4 section 2761, subdivision (f), in that Respondent was convicted of the following crimes, which  
5 are substantially related to the qualifications, functions, and duties of a registered nurse:

6 a. On June 12, 2008, in the Phoenix Municipal Court of Arizona, in the  
7 matter entitled *State of Arizona v. Neal C. Jackson* (Phoenix Muni. Ct., Arizona, 2008,  
8 Complaint No. 20069030270), Respondent was convicted by the court on his plea of *nolo*  
9 *contendere* of violating Arizona Revised Statutes, section 13-1202A1 (threat by word or conduct  
10 of physical injury to a person or of serious damage to property).

11 b. On June 12, 2008, in the Phoenix Municipal Court of Arizona, in the  
12 matter entitled *State of Arizona v. Neal C. Jackson* (Phoenix Muni. Ct., Arizona, 2008,  
13 Complaint No. 20069010732), Respondent was convicted by the court's findings at trial of  
14 violating Arizona Revised Statutes, section 13-2916 (use of a telephone with intent to terrify,  
15 intimidate, threaten, harass, annoy or offend, using obscene, lewd or profane language or  
16 suggesting a lewd or lascivious act, or threatening the infliction physical harm on the person or  
17 property of any person, or otherwise disturbing by repeated anonymous telephone calls the  
18 recipient's peace, quiet or right of privacy).

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Out-of-State Discipline)

21 8. Respondent's registered nurse license is subject to disciplinary action  
22 under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that,  
23 effective June 25, 2007, pursuant to the Findings of Fact, Conclusions of Law and Order No. 05-  
24 A-0502007-NUR, entered by the Arizona State Board of Nursing, *In the Matter of Professional*  
25 *Nurse License No. RN110090 and Nursing Assistant Certificate No. CNA999987656 Issued to:*  
26 *Neal Christopher Jackson* (attached hereto as **Exhibit A**), the Arizona State Board of Nursing  
27 revoked Respondent's Arizona Nurse License No. RN110090 and Nursing Assistant Certificate  
28 No. CNA999987656. The basis of said discipline was Respondent's menacing conduct, as more

1 fully set forth in paragraph 7, subparagraphs a and b, above, and the Arizona State Board of  
2 Nursing's finding that Respondent posed a threat to patient health or the public.

3 **PRAYER**


4 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 645113, issued  
7 to Neal Christopher Jackson;

8 2. Ordering Neal Christopher Jackson to pay the Board of Registered Nursing  
9 the reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 7/27/08

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14  
15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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baf [6/17/08]

## **Exhibit A**

Findings of Fact, Conclusions of Law and Order No. 05-A-0502007-NUR, entered by the Arizona State Board of Nursing, *In the Matter of Professional Nurse License No. RN110090 and Nursing Assistant Certificate No. CNA999987656 Issued to: Neal Christopher Jackson*

1                                   **ARIZONA STATE BOARD OF NURSING**  
2                                   **4747 North 7<sup>th</sup> Street Ste 200**  
3                                   **Phoenix AZ 85014**  
4                                   **602-889-5150**

5   IN THE MATTER OF PROFESSIONAL  
6   NURSE LICENSE NO. RN110090 AND  
7   NURSING ASSISTANT CERTIFICATE NO.  
8   **CNA999987656** ISSUED TO:

9   **NEAL CHRISTOPHER JACKSON,**

10   Respondent.

11                                   **FINDINGS OF FACT,**  
12                                   **CONCLUSIONS OF LAW**  
13                                   **AND ORDER NO. 05A-0502007-NUR**

14                   A hearing was held before Brian Brendan Tully, Administrative Law Judge, at 1400 West  
15   Washington Suite 101, Phoenix Arizona, on April 19, 2007. Daniel R. Christl, Assistant Attorney  
16   General, appeared on behalf of the State. Respondent was not present and was not represented by  
17   counsel.

18                   On May 9, 2007, the Administrative Law Judge issued Findings of Fact, Conclusions of Law  
19   and Recommendations. On May 18, 2007, the Arizona State Board of Nursing met to consider the  
20   Administrative Law Judge's recommendations. Based upon the Administrative Law Judge's  
21   recommendations and the administrative record in this matter, the Board makes the following Findings  
22   of Fact and Conclusions of Law.

23                                   **FINDINGS OF FACT**

24                   1.     Neal Christopher Jackson ("Respondent") is the holder of Professional Nurse License  
25   No. RN110090 issued by the Arizona State Board of Nursing ("Board"). Respondent also had been  
26   issued Nursing Assistant Certificate No. **CNA999987656**, which expired.

27                   2.     On or about January 19, 2005, Respondent was employed as a nurse at St. John's Valley  
28   Hospital in Camarillo, California. While on duty that day, Respondent was assigned to care for patient  
29   M.R. The patient complained to the nursing supervisor that Respondent was argumentative and rough



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3                                   **Phoenix AZ 85014**  
4                                   **602-889-5150**

5   IN THE MATTER OF PROFESSIONAL  
6   NURSE LICENSE NO. RN110090 AND  
7   NURSING ASSISTANT CERTIFICATE NO.  
8   CNA999976560 ISSUED TO:

9   **NEAL CHRISTOPHER JACKSON,**

10   Respondent.

11                                   **FINDINGS OF FACT,**  
12                                   **CONCLUSIONS OF LAW**  
13                                   **AND ORDER NO. 05A-0502007-NUR**

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23                                   **FINDINGS OF FACT**

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26   issued Nursing Assistant Certificate No. CNA999976560, which expired.

27                   2.     On or about January 19, 2005, Respondent was employed as a nurse at St. John's Valley  
28   Hospital in Camarillo, California. While on duty that day, Respondent was assigned to care for patient  
29   M.R. The patient complained to the nursing supervisor that Respondent was argumentative and rough

1 with her. She requested a new nurse be assigned to care for her. Later, M.R. told the charge nurse that  
2 she was fearful of Respondent.

3 3. Later that day two police officers from the Ventura County Sheriff's Department arrived  
4 at the facility to interview M.R. regarding her complaint of sexual battery upon her by Respondent.  
5 The police investigation determined that M.R.'s allegations could not be independently substantiated  
6 and the case was closed.  
7

8 4. On January 21, 2005, Lori Christensen, RN, the Acute Care Unit Director of Nursing at  
9 St. John's Pleasant Valley Hospital, informed Cross Country Staffing, a registry who employed  
10 Respondent, that he was being terminated from the facility due to M.R.'s complaint.  
11

12 5. The Board received notice of the incident involving M.R. and opened an investigation.  
13 The case was assigned to Sr. Rachel Torrez, RN, MS, a Nurse Practice Consultant for the Board.  
14

15 6. Respondent was sent Investigative Questionnaires on February 4, 2005 and March 30,  
16 2005 and was requested to complete them and return them to the Board. He did not respond to those  
17 requests.

18 7. On June 23, 2005, Sr. Torrez met with Respondent regarding the allegations. He was  
19 again provided with an Investigative Questionnaire and requested to complete and return it. He  
20 submitted his written response on June 28, 2005.  
21

22 8. On July 21, 2005, the Board, through its Executive Director, issued Interim Order Case  
23 No. 0502007, which required Respondent to complete a sexual misconduct evaluation by a Board  
24 approved evaluator, and any additional testing required by the evaluator, to be scheduled within 15  
25 days and to be completed within 45 days. A copy of the evaluator's report was required to be  
26 submitted to the Board. Respondent failed to comply with the Interim Order. The Interim Order  
27 applied to Respondent's professional nurse license and his nursing assistant certificate.  
28  
29

1           9.       On September 6, 2005, the Board issued a Notice of Charges, a copy of which was  
2 mailed to Respondent.

3           10.      On October 4, 2005, Respondent submitted a written request for hearing to the Board.  
4

5           11.      On or about October 6, 2005, Respondent was assigned to work at John C. Lincoln  
6 Hospital ("JCL") by Valentine Nursing Services. JCL requested that Respondent not return to the  
7 hospital due to his being disorganized, his inability to manage his assignment and for making  
8 medication errors.

9           12.      On December 2, 2005, Respondent was assigned to work at Phoenix Memorial Hospital  
10 by Valentine Nursing Services. Respondent exhibited aggressive behavior toward patient care  
11 technician Rosalia Campos while both were working. Respondent chased Ms. Campos in an aggressive  
12 manner. He threatened to wait for her outside the facility and kill her.  
13

14           13.      Due to his behavior, hospital security escorted Respondent from the nursing unit to the  
15 staffing office. He was later escorted off the premises by security.  
16

17           14.      Christine Wilson, RN, who served as Director of Medical/Surgical and Telemetry, was  
18 informed of the incident. She advised the supervisor at Valentine Nursing that Respondent was a "do  
19 not return" at Phoenix Memorial Hospital.  
20

21           15.      Ms. Wilson credibly testified that Respondent's conduct had a negative impact on  
22 patient care. She noted that if Respondent could not keep his composure with a co-worker in the  
23 professional setting, it was a reasonable concern how he would react to a patient or a patient's family  
24 member.  
25

26           16.      Later on December 2, 2005, Respondent spoke with Debra Blake, a staff member in the  
27 Board's hearing department about a hearing date, which had not been scheduled. During that  
28 conversation Respondent did not discuss the earlier incident at Phoenix Memorial Hospital.  
29

1 17. Also on December 2, 2005, board staff received a telephone call from Marie Gagnon,  
2 Director of Professional Practice at Phoenix Memorial Hospital. Ms. Gagnon was reporting a  
3 complaint against Respondent for the incident earlier in the day at the hospital.  
4

5 18. On December 2, 2005, Phoenix Police Officer Thomas Gender responded to Phoenix  
6 Memorial Hospital and took statements from Ms. Campos and other witnesses to the incident.

7 19. Ms. Campos obtained an order of protection against Respondent.

8 20. By letter dated January 5, 2006, Susan Barber, MSN, RN, who serves as a Nurse  
9 Consultant in the Board's Hearing Department, discussed the two complaints filed against him and  
10 requested that he complete and return an enclosed questionnaire concerning the second complaint from  
11 Phoenix Memorial Hospital. Respondent was requested to contact Ms. Barber to schedule an  
12 appointment to discuss the second complaint.  
13

14 21. Respondent failed to return a completed questionnaire for the second complaint to Ms.  
15 Barber.  
16

17 22. On January 9, 2006, Respondent telephoned Ms. Barber. During that conversation, he  
18 was uncooperative, loud, argumentative and threatening towards her.  
19

20 23. On January 10, 2006, Respondent left five voice mail messages for Ms. Barber during a  
21 one-half hour period in the morning. Respondent's messages are chilling, loud, aggressive and  
22 threatening. Respondent made the following statements in those messages left for Ms. Barber: "I'm  
23 gonna mess you up," "I'm gonna fuck you up," and "I'm gonna kill you."  
24

25 24. A criminal complaint was filed against Respondent in the Phoenix City Court due to his  
26 menacing conduct towards Ms. Barber and other staff members. He was subsequently found guilty.  
27  
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25. On or about November 10, 2006, Respondent was found guilty of unlawful use of phone, use of phone to terrify. He later failed to appear for sentencing, which resulted in the Court issuing a bench warrant for his arrest.

26. As a result of Respondent's above-described conduct, Ms. Campos and Ms. Barber have legitimate concerns for their personal safety.

27. The Board's hearing department referred the complaints against Respondent to the Office of Administrative Hearings, an independent agency, for formal hearing.

28. The Board issued a Notice of Hearing, copies of which were sent to Respondent at his address of record with the Board and another known address for him.

29. The commencement of the scheduled hearing was delayed for 15 minutes to allow for the late arrival of Respondent, or an attorney authorized to represent him. After the delay, the Administrative Law Judge conducted the hearing in Respondent's absence.

30. Respondent's practice of nursing poses a real and serious threat to the public health, safety and welfare.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter in this case.

2. Pursuant to A.R.S. § 41-1092.07(G) (2), the Board has the burden of proof in this matter. The standard of proof is preponderance of the evidence. A.A.C. R2-19-119(A).

3. Respondent violated the provisions of A.R.S. § 32-1601(16) (d) (any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), as cited in the Complainant and Notice of Hearing issued by the Board.

1           4.       Respondent violated the provisions of A.R.S. § 32-1601(16) (e) (being mentally  
2 incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a  
3 patient or the public), as cited in the Complaint and Notice of Hearing issued by the Board.  
4

5           5.       Respondent violated the provisions of A.R.S. § 32-1601(16) (g) (willfully or repeatedly  
6 violating a provision of this chapter or a rule adopted pursuant to this chapter), as cited in the  
7 Complaint and Notice of Hearing issued by the Board.  
8

9           6.       Respondent violated the provisions of A.R.S. § 32-1601(16) (h) (committing an act that  
10 deceives, defrauds or harms the public), as cited in the Complaint and Notice of Hearing issued by the  
11 Board.  
12

13           7.       Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
14 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(2) (effective July 19,  
15 1995) (intentionally or negligently causing physical or emotional injury), as cited in the Complaint and  
16 Notice of Hearing issued by the Board.  
17

18           8.       Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
19 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(6) (effective July 19,  
20 1995) (failing to take appropriate action to safeguard a patient's welfare or to follow policies and  
21 procedures of the nurse's employer designed to safeguard the patient), as cited in the Complaint and  
22 Notice of Hearing issued by the Board.  
23

24           9.       Respondent violated the provisions of A.R.S. § 32-1601(j)(16)(j) (violating a rule that is  
25 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(24) (effective July 19,  
26 1995) (failing to cooperate with the Board by: (a) not furnishing in writing a full and complete  
27 explanation covering the matter reported pursuant to A.R.S. § 32-1664, or (b) not responding to a  
28 subpoena issued by the Board), as cited in the Complaint and Notice of Hearing issued by the Board.  
29

1           10.     Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
2 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(25) (effective July 19,  
3 1995) (practicing in any other manner which gives the Board reasonable cause to believe that the health  
4 of a patient or the public may be harmed), as cited in the Complaint and Notice of Hearing.  
5

6           11.     Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
7 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(B) (1) (amended  
8 effective December 5, 2005) (a pattern of failure to maintain minimum standards of acceptable and  
9 prevailing nursing practice), as cited in the Complaint and Notice of Hearing issued by the Board.  
10

11           12.     Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
12 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(B) (2) (amended  
13 December 5, 2005) (intentionally or negligently causing physical or emotional injury), as cited in the  
14 Complaint and Notice of Hearing issued by the Board.  
15

16           13.     Respondent violated the provisions of A.R.S. § 32-1601(16)(j) (violating a rule that is  
17 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(B)(25) (amended  
18 effective December 5, 2005) (failing to: (a) furnish in writing a full and complete explanation of a  
19 matter reported pursuant to A.R.S. § 32-1664, or (b) respond to a subpoena issued by the Board), as  
20 cited in the Complaint and Notice of Hearing issued by the Board.  
21

22           14.     Respondent violated the provisions of A.R.S. § 32-1601(16) (j) (violating a rule that is  
23 adopted by the board pursuant to this chapter), specifically A.A.C. R4-19-403(B) (31) (amended  
24 effective December 5, 2005) (practicing in any other manner that gives the Board reasonable cause to  
25 believe the health of a patient or the public may be harmed), as cited in the Complaint and Notice of  
26 Hearing issued by the Board.  
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1           15. Pursuant to A.R.S. § 32-1664(C), the Board has the authority to investigate and  
2 discipline Respondent's expired nursing assistant certificate. The evidence shows that was subject to an  
3 investigation in Case No. 0502077 in 2005.  
4

5           16. The above described statutory and regulatory violations are grounds for disciplinary  
6 action pursuant to A.R.S. §§ 32-1663 and 32-1664.

7           17. The evidence of records supports the summary suspension of Respondent's professional  
8 nurse license until this matter becomes final, pursuant to A.R.S. § 41-1092.11(B).  
9

### 10                               ORDER

11           In view of the Findings of Fact and Conclusions of Law, the Board issues the following Order:

12           Pursuant to A.R.S. § 32-1664(N), Respondent's professional nurse license number RN110090  
13 shall be **immediately suspended** and shall remain suspended until the effective date of this Order to  
14 protect the public health, safety and welfare. Respondent's professional nursing license number  
15 RN110090 and nursing assistant certificate number CNA999976560 shall be **revoked** on the effective  
16 date of this Order.  
17

18           **Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing**  
19 **or review within 30 days after service of this decision with the Arizona State Board of Nursing. The**  
20 **motion for rehearing or review shall be made to the attention of Debra Blake, Arizona State Board of**  
21 **Nursing, 4747 North 7<sup>th</sup> Street Ste 200, Phoenix AZ 85014. For answers to questions regarding a**  
22 **rehearing, contact Debra Blake at (602) 889-5183. Pursuant to A.R.S. § 41-1092.09(B), if Respondent**  
23 **fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent**  
24 **shall be prohibited from seeking judicial review of this decision.**  
25  
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Respondent may apply for reinstatement of the said license pursuant to A.A.C. R4-19-404 after a period of five years. Respondent may apply for reinstatement of the said certificate pursuant to R4-19-815 after a period of five years.

DATED this 18<sup>th</sup> day of May, 2007.

ARIZONA STATE BOARD OF NURSING

SEAL

*Joey Ridenour R.N.*

Joey Ridenour, R.N., M.N.  
Executive Director

COPIES mailed this 18<sup>th</sup> day of May, 2007, by Certified Mail No. 7001 1940 0003 4512 2096 and First Class Mail to:

Neal Christopher Jackson  
7419 W Willow Avenue  
Peoria AZ 85381

COPIES of the foregoing mailed this 18<sup>th</sup> day of May, 2007, to:

Case Management  
Office of Administrative Hearings  
1400 W Washington Ste 101  
Phoenix AZ 85007

Daniel R. Christl  
Assistant Attorney General  
1275 W. Washington, LES Section  
Phoenix, AZ 85007

By: Vicky Driver

BOARD OF REGISTERED NURSING

JUL 29 2000